

**St. Mary Rehabilitation Working Group  
Beaver Painted Lodge Blackfeet Tribal College  
10:00 – 3:00 January 26, 2004**

**Welcome and Opening Remarks:**

Present from St. Mary Working Group: Lt Governor John Bohlinger, Randy Reed, Dave Peterson, Mike Tatsey, Marko Manoukian, Max Maddox, Gary Anderson, Kevin Salsbery, Steve Page, John Lacey, Larry Mires, Dolores Plumage, Randy Perez. Absent: Paul Tuss, Matt McCann and Mike Barthel

Present from Blackfeet Tribal Business Council: Chairmen, Allen Talks About (afternoon), Vice Chairmen Pat Thomas, Betty Cooper, Hugh Monroe

Pat Thomas, Vice-chairmen of the Blackfeet Tribal Business Council, opened the meeting at 10:10 a.m. Vice-chairmen Thomas welcomed everyone to the meeting, and introduced Tribal Elders and other Tribal Council members in attendance. He explained purpose of meeting and asked everyone to withhold public comment until the end. Vice-chairmen Thomas introduced Al Potts to lead the opening prayer.

Lt Governor Bohlinger thanked the Blackfeet Nation for their hospitality in hosting the meeting. He presented Vice-chairmen Thomas with gifts sent by Governor Schweitzer as a token of friendship between the two governments. Lt Governor Bohlinger announced that the Governor's budget would include \$2.8 million to upgrade equipment at tribal colleges across the state. The budget also includes \$380,000 to assist non-tribal students to attend tribal colleges. Lt Governor Bohlinger reiterated that rehabilitation of the St. Mary Diversion Facilities must provide benefits to all water users. He also stated that the State of Montana and Blackfeet Nation must work together to address environmental impacts on the reservation associated with operation of the St. Mary system. Lt Governor Bohlinger presented the Tribal Council with a letter from Governor Schweitzer inviting the Blackfeet to join the Montana Drought Advisory Committee. Governor Schweitzer also invited the Tribal Council to meet with Senator Jon Tester to discuss the St. Mary Rehabilitation Project.

**Review of January 5, Meeting Notes:**

DRAFT meeting notes from January 5 meeting in Helena were not ready for review and approval. Notes will be approved at February, 23 meeting.

**Introduction to the St. Mary Rehabilitation Working Group**

Mike Tatsey explained Blackfeet Tribal involvement in the rehabilitation effort.

- Mike explained how the Tribe was excluded from any involvement when the St. Mary canal was built 88 years ago. Current effort to rehabilitate the system is providing the Tribe with an opportunity to be involved.
- Mike explained that the Blackfeet have been at the table since the very first meeting chaired by former Lt Governor Ohs in Havre on November 18, 2003. Tribe has had input on almost all aspects of the rehabilitation effort. Mike continues to keep Tribal issues with the project front and center. These concerns include, but are not limited to:
  - ✧ Sedimentation in Lower St. Mary Lake

- Tribe does not believe the U.S. Bureau of Reclamation obtained a proper right-of-way for canal. Tribe feels landowners and allottees along the canal route must be compensated.
- Blackfoot water right claims to the Milk and St. Mary Rivers must be settled.
- The Blackfoot Tribe must receive real benefits from the canal.
- In conjunction with St. Mary Working Group, Tribe is seeking \$1,000,000 from federal government to complete ongoing studies aimed at addressing environmental damage associated with operation of the St. Mary Facilities. Tribe is also requesting \$500,000 in federal funds to complete a needs assessment on the Blackfoot Irrigation Project. This will help Tribe develop plans for rehabilitating their own project.
- Mike will be seeking permission from the Tribal Business Council to form a working group of Blackfoot Tribal members to identify benefits members would like to see from the rehabilitation effort. Tribe has an opportunity to identify the benefits they want to receive before planning process gets to far along and they are left out again.
- Mike acknowledged the troubled history between the Tribe and Federal government associated with the St. Mary canal. However, he felt Tribal members now have an important opportunity to try and right correct of the past. The project will also provide important learning opportunities for students at the Tribal College.
- Because the State of Montana and St. Mary Working Group recognize Tribal TERO requirements, the Tribe will receive an economic benefit right off the top.

Paul Azevedo (MT DNRC) gave a PowerPoint presentation describing 1) importance of the St Mary system to the Milk River Basin, 2) why the State of Montana is involved in the process, 3) goals of the St. Mary Rehabilitation Working Group, and 4) potential benefits to the Blackfoot Tribe.

- Importance of St. Mary Diversion Facilities to Milk River Basin
  - St. Mary Facilities divert approximately 150,000 acre-feet of water per year from the St. Mary River to the Milk River. Without imported water the Milk River would run dry in 6 out of every 10 years.
  - Imported water provides 70% - 90% of the irrigation water diverted from the Milk River.
  - Imported water supports over 140,000 acres of irrigation in the Milk River Basin.
  - Provides municipal drinking water to over 14,000 people in the communities of Havre, Harlem, and Chinook.
  - Supports nationally significant migratory bird habitat at Bowdoin National Wildlife Refuge.
- Reason for State of Montana involvement in process
  - Since 1999, the State of Montana has provided over \$400,000 in grants to Milk River Project irrigators for crucial repairs on the diversion system. Steady stream of funding requests prompted John Tubbs, of DNRC's Conservation and Resource Development Division to visit site for a first hand look at maintenance problems. Alarming condition of facilities prompted initial discussions within DNRC that the system could no longer be counted as a reliable water source for the Milk River Basin.

- In June, 2003, USBR Commissioner, John Keys stated that rehabilitation of the St. Mary Diversion Facilities was not a priority for Reclamation. Further more, Reclamation does not support any federal funding for rehabilitating the system.
- DNRC staff realized the urgent need to rehabilitate the St. Mary's system was being ignored by the Federal government and that action from the state level was required.
- In September 2003, representatives of DNRC met with Office of the Lt. Governor to discuss need for State involvement. Given that the regional economy of north-central Montana is dependent on water imported by the St. Mary Diversion Facilities, DNRC staff believed the State had a legitimate stake in finding a solution to rehabilitate the system before it suffered a catastrophic failure. DNRC staff also believed environmental impacts on the Blackfeet Reservation associated with operation of St. Mary Diversion Facilities need to be addressed.
- Lt Governor's Office agreed with DNRC's assessment and determined that the State of Montana should take a leadership role in coordinating a local, State, Tribal, and Federal effort to rehabilitate the aging infrastructure and address associated environmental concerns of the Blackfeet Nation. On November 18, 2003, former Lt. Governor Ohs hosted the Lt. Governor's Forum on the Rehabilitation of the St. Mary Facilities at the Duck Inn in Havre. Purpose of the Forum was to raise public awareness of the problem and gauge public support for State involvement. Blackfeet Tribe participated in setting Forum agenda. Initial discussion on forming the St. Mary Rehabilitation Working Group took place at the Havre meeting.
- Realizing the important role to be played by the Blackfeet Tribe, former Lt. Governor Ohs met with Blackfeet Tribal Business Council in Browning on February 3, and October 20, 2004.
- Goals of the St. Mary Rehabilitation Working Group
  - Find a "workable" solution for rehabilitating the St. Mary Facilities before the system suffers catastrophic failure;
  - Work with the Blackfeet Tribe to address environmental concerns associated with operation of the St. Mary Facilities; and
  - Explore options to restore the storage capacity of Fresno Reservoir.
  - A workable solution does not mean a perfect solution, and it does not mean a solution with which every interest is 100% satisfied. A workable solution is one that can be implemented by the parties involved because those parties feel that, on balance, the solution is reasonable, sensible, and responsible.
- Potential Benefits to the Blackfeet Tribe.
  - Resolution of long-standing concerns about the environmental impacts associated with the St. Mary Facilities;
  - Potential "off-canal" benefits such as stock water and fish and wildlife enhancement;
  - Prevent catastrophic failure of system and subsequent environmental damage;
  - Construction jobs and related revenues during construction period; and
  - Other?

## Overview of Blackfeet Irrigation Project

Ted Hall, Irrigation Project Supervisor for the Blackfeet Tribe, Clifford Hal, former project supervisor, and Doug Davis, Bureau of Indian Affairs, Office of Water Resources, Rocky Mountain Region, gave presentation.

- Blackfeet Project is one of the largest irrigation projects built by BIA. There are approximately 45,000 assessed acres on the Birch Creek Project, Badger-Fischer Project, and Two Medicine Project. Projects were built in early 1900's. Projects provide hay base for Tribal horse and cattle operations and are vital to the Blackfeet agricultural economy.
- Blackfeet irrigation projects were built around the same time as the St. Mary system. Blackfeet irrigators and Milk River irrigators face many of the same problems associated with antiquated infrastructure. The need to rehabilitate the Blackfeet project is just as great as the need to rehabilitate the St. Mary Diversion system. Like the Milk River basin irrigators, Tribal irrigators have to shoulder the financial burden of any rehabilitation efforts and they cannot afford it.
- Project was completely self-supporting in the 1960's. Like St. Mary system, O&M costs have increased as the system has gotten older, but O&M rates have not risen to match. Today, project suffers from approximately \$51 million in deferred maintenance. Irrigators are assessed \$13/ acre in O&M to have water delivered. Rates would have to rise to \$25/acre to keep up with maintenance.
- FY 06 Federal appropriations request to be submitted on behalf of the St. Mary Rehabilitation Project contains \$500,000 for Blackfeet to conduct a condition assessment on their irrigation project. This will allow them to put a good funding package together when they seek federal support to address tribal needs. Tribe will be looking for Working Group members to support Blackfeet efforts to rehabilitate the tribal project.

### **Report on Boulder Creek and Swiftcurrent Creek Studies**

Mike Tatsey, Blackfeet Water Resources and Dick Long, US Bureau of Reclamation

- The banks of Swiftcurrent Creek have been eroding due to flooding and large releases from Sherburne Dam. The first mile of Boulder Creek above its confluence with Swiftcurrent Creek has also experienced significant erosion since the 1964 flood. Blackfeet have been working with Reclamation for a number of years to address erosion and sediment issues on Swiftcurrent and Boulder Creeks. Staff from Tribal Natural Resources Department and students from Blackfeet College collected data for about 3 or 4 years. Tribe's consulting engineering was finishing up design plans to stabilize the stream corridor when bull trout habitat became an issue. Tribe's work to address erosion and sedimentation has been slowed while the US Fish and Wildlife Service completes a study aimed at understanding how bull trout use the Boulder and Swiftcurrent Creek drainage systems. Appraisal level cost estimate (1997/1998) stabilize stream banks is \$6.6 million.
- Reclamation is also preparing designs to modify the outlet works of Sherburne Dam to allow winter releases from the reservoir to create winter habitat for bull trout. Appraisal level cost estimate for proposed work is \$900,000.
- In 1910, Reclamation built a dike and crib wall to force the flows of Swiftcurrent Creek into Lower St. Mary Lake. The resulting deposition of sediments has created a delta, which is slowly enlarging into the lake. One option being studied by Reclamation is to build catch basins to catch the sediment before it reaches the lake. Appraisal level cost estimate for proposed work is \$600,000.

### Updates and Progress Reports

- Monthly government-to-government meeting between DNRC, USBR, Blackfoot Tribe and Tribes of Ft Belknap was postponed in January.
- Governor Appointed Commission – On January 5, the Working Group asked Governor Schweitzer to consider officially establishing a St. Mary Rehabilitation Commission and appointing current Working Group members to serve. Governor Schweitzer is not inclined to follow through on this request unless there is a clear and compelling reason to do so. Larry Mires is investigating several other options for the Group to consider. It is going to take some time to analyze the pros and cons of various alternatives. He has asked several attorneys and the Lt. Governor's Office for input and advice. Larry passed out a list of questions for the Group members to consider and ask them for input and ideas.
- Legislative Update – John Tubbs, MT DNRC
  - ✧ Governor Schweitzer's proposal to seek \$10 million in general obligations bonds through the legislature is a huge step forward for the project. It shows D.C. that Montana is serious. Passage will require bipartisan approval. Two-thirds vote in House and Senate is required for passage. Money will be used for construction activities. It is intended as state cost-share for federal and local construction dollars.
  - ✧ On Tuesday, January 18, the Joint Subcommittee for Long Range Planning and the Joint Subcommittee for Natural Resources Appropriations held a combined hearing on funding for the St. Mary Project. John stated that it was unusual for two committees to have a joint hearing on a single project. John thanked everyone who traveled to Helena last week to testify in support of the St. Mary Project.
  - ✧ State funding package for the project is as follows:
    - HB 6 - Renewable Resources Grants Program.
      - \$100,000 to install new structural supports and replace expansion joints on Hall's Coulee siphon, and
      - \$100,000 to repair the outlet structure of Sherburne Dam.
    - HB 7 - Reclamation Development Grants Program.
      - \$900,000 to support the efforts of the St. Mary Rehabilitation Working Group. Senator Tester amended HB-7 to increase funding from the original \$300,000 to \$900,000. Funding will be used to support Working Group operations, for contracted services to pursue engineering, economic and NEPA compliance studies necessary to rehabilitate or replace the St. Mary Facilities, and assess environmental concerns of the Blackfoot Tribe. This one-time request will be used to bridge the funding gap until anticipated federal funds are received in FY06. State funding should be available by April '05.
      - John noted that Tribes are eligible for funding from the Reclamation Development Grants Program. Blackfoot may want to consider applying for a grant to address some of the needs on their irrigation project.
    - HB 11 - Treasure State Endowment Program
      - \$500,000 to be used as cost-share towards federal funds for replacing county bridge over the St. Mary River. Bridge will meet all current transportation standards and provide access for construction equipment.

- HB 2 - General Appropriations Bill
  - \$70,000/yr for new for senior-level engineering dedicated to the St. Mary Rehabilitation Project.
  - \$65,000/yr for new for senior-level hydrologist dedicated to the St. Mary Rehabilitation Project.
- ✧ On the federal side, DNRC is preparing legislation to seek \$6 million in pass-through, non-reimbursable federal funds for the following items.
  - \$3 million – To prepare engineering, economic, cultural resources, and NEPA compliance studies necessary to rehabilitate or replace the St. Mary Diversion Facilities.
  - \$1.5 million – To replace county bridge over the St. Mary River.
  - \$1 million – For Blackfeet to complete studies necessary to address impacts on Reservation related to operation of the St. Mary Diversion Facilities.
  - \$500,000 – For Blackfeet to assess the current status and future needs of the Blackfeet Irrigation Project.
- ✧ Time is approaching to start thinking about language seeking federal re-authorization of the project. Language may be as simple as stating that all study funding is pass-through to the State and Tribe and is non-reimbursable. At the other end of the scale is re-authorization of the entire rehabilitation project. DNRC is waiting for guidance from Congressional Delegation on form of re-authorization language.
- ✧ Mike Tatsey asked if TD&H had included TERO and Tribal construction fees in their cost estimate? Erling Juel (TD&H) responded that a 5% tribal tax had been included.
- Executive Committee – Randy Reed reported on Executive Committee teleconference of January 11. Action items from the teleconference were:
  - ✧ DNRC will work with Mike T. to finish draft agenda for January 26 meeting.
  - ✧ Larry Mires will develop a list of pros and cons for various legal structures for the Working Group to consider.
  - ✧ DNRC and Dolores P. will contact Randy Perez about providing supporting testimony at legislative hearing.
  - ✧ DNRC will send a hearing agenda to full Working Group by Friday, Jan 14.
- DRAFT St. Mary Engineering Review Report – Paul Azevedo, DNRC
  - ✧ TD&H was contracted by DNRC on behalf of the Working Group to review all previous information collected by Reclamation, compile the information into a report, and develop a roadmap for identifying a preferred alternative.
  - ✧ Copy of DRAFT report was sent to every member of the Working Group. Comments were received from Steve Page, John Lacey, Larry Mires, Randy Reed, and Marko Manoukian, Kevin Smith (DNRC), Bob Fischer (DNRC), Mike Dailey (DNRC) John Tubbs (DNRC), and the US Bureau of Reclamation.
  - ✧ Comments will be compiled and submitted to TD&H for incorporation into final report. Final report is due to DNRC by February 14.
  - ✧ Mike Tatsey asked Erling Juel (TD&H) if he saw any difficulties in tying the Tribe's environmental work upstream of the diversion dam with TD&H's engineering work on the diversion dam and canal infrastructure. Erling saw them as basically separate

items. Some overlap will occur in environmental documentation because at some federal level they will be interested in seeing the whole picture.

- John Tubbs commented that federal authorization had to cover both the environmental and infrastructure issues. We could not move forward on one without the other. Fresno Reservoir would probably not be dealt with in this round because there are too many unknowns about the hydrology.
- Mike Tatsey asked if education and training for Tribal members could be written into federal appropriations? He could see a role for Tribal members in construction and maybe even running the project some day.
- Gary Anderson asked Mike to clarify his request. Mike responded that the Tribe did not want to miss the opportunity to provide on the ground training for their members. It may be another 100 years before a project like this comes up again and the Tribe does not want to miss this opportunity.
- Larry Mires asked if the cost of training could be taken from the \$1.5 million the Blackfeet would be receiving under the current request. Mike said he did not want to pull the money out of the funds targeted for environmental issues. He thought each stage of the project should include vocational training for Tribal members.
- Will Hammerquist wondered if the funds in Governor Schweitzer's budget for tribal colleges could be used to address vocational training. Mike did not feel it was right to take funds from the college for this project. The college may have different priorities.
- John Tubbs commented that the \$900,000 the Working Group will be receiving from the Reclamation Development Grant Program might be a source of some vocational training funds. A portion of those funds is specifically targeted to the Blackfeet. The federal appropriations language has to be figured out fairly rapidly and he asked Mike to put together a proposal on the vocational needs for adoption by the Working Group.
- Mike said he would be put together a proposal with estimated costs. Tribe would probably want to include training throughout the whole project. From engineering to construction, to operation. Mike acknowledged it was going to cost some money, but the amount would be relatively small compared to the overall picture. John suggested that Mike see if BIA or Reclamation had any programs for vocational training.
- No further action was taken on Mike's request.

### **New Business**

- Letter to Blaine County Commissioners requesting participation of Dolores Plumage on Working Group.
  - Dolores explained that as a result of an internal reorganization at the start of 2005, she needs a letter from the Working Group requesting her participation. Dolores is expending County funds by participating and a letter is needed to justify the expenditure.
  - After some discussion, the following agreement was reached. Blaine County Commissioners would write a letter to the Working Group appointing Dolores as their representative. Working Group will then respond with a letter accepting Dolores appointment.

- Dolores proposed that the Working Group consider inviting commissioners from other counties to be part of Working Group. She understands desire to keep politics out of the process, but feels counties have a lot to offer in terms of support.
- This led to a larger discussion on expanding representation to include other interests currently not at the table. Should there be more representation by the Blackfeet Tribe?
- Randy Perez reminded everyone that the purpose of the Working Group is to rehabilitate the St. Mary Facilities. It is not the forum for a discussion on the legal rights of the Tribes or any other entity. No particular interest group has legal right to be part of the Working Group because legal rights are not being decided.
- Agreement to continue discussion at the February meeting.
- Travel to Washington D.C.
  - Larry Mires is working on travel plans for Working Group members who will be attending the National Water Resources Association Conference in Washington D.C. on April 11-13. Conference registration, travel, and per diem will be between \$9,245 (single occupancy) to \$6,795 (double occupancy).
  - He is also arranging meetings with Congressional Delegation offices and US Bureau of Reclamation.
  - Members planning to attend are Larry Mires, Randy Reed, Mike Tatsey, and Randy Perez.
- Tour of irrigation project in Alberta, Canada
  - Dale Miller (UMA, Inc., member of TD&H project team) has offered to organize a tour of an irrigation project outside of Lethbridge, AB. Tour will provide Working Group members an opportunity to see the progressive rehabilitation of a large irrigation diversion and conveyance system sharing many similar features with St. Mary's.
  - There was some discussion about combining the March Working Group meeting with the tour. Several members mentioned they could not afford that much time away from business.
  - Decision was made to have Paul Azevedo and Dale Miller organize a tour for March 21-22.

**Public Comment:**

- Gordon Monroe: One of the things the group is discussing is the economics and well being of all farmers east of us and over the border, but we haven't really touched on what benefits the Tribe will receive economically. We know that we have a state compact we are working on; we also know that we have a planning group going forward for the St. Mary's watershed. The Blackfeet people need to look at the bottom line - all the farmers are gaining benefits, Canada is benefiting, and the Blackfeet people need to benefit. We have some observers here - Sen. Baucus, Sen. Burns...DOI Solicitor's office are here we must come to agreement and recognize rights of the farmer and we also need for this planning group to recognize the rights of the Blackfeet.
- Al Reevis: Provided background on tribal water rights and irrigation. Blackfeet Nation was left out of original discussions on treaty with Canada and building of St. Mary Canal. Back then, Tribal members were uneducated and did not know the laws. Today it's



different. It is time for Blackfeet to take control of their water. Blackfeet should be paid for water that flows to Canada and to Milk River.

- Pat Thomas reminded everyone that this meeting was not about water rights. This is a meeting of the St. Mary Working Group. Speakers should limit their comments accordingly.
- Doug Malatare: More Blackfeet should be attending today. Blackfeet own the land and the water. Does not know where Blackfeet Council stands. Water is scared to Blackfeet it is spiritual. Blackfeet need to protect their rights. Thank you.
- Dan Barkus: Tribal member, farmer, rancher irrigates. Family owns land along canal. Grandmother's family worked their fingers to the bone and never had the right to irrigate out of the canal. Does not currently work the land, leased out, but would like the opportunity to make a living from that land and fulfill a dream of his grandmothers. Would be possible if it could be irrigated from canal. Tribal Council and water resource people should communicate with community on water issues. BIA irrigation projects are deplorable. Perhaps Working Group can help influence improvements to Tribal irrigation projects. Good things can happen for Blackfeet from fixing St. Mary Canal, jobs, economic incentives, and maybe an opportunity to get some of the water. Thank you.
- Mr. Woody Kipp: 1974 federal court case suggests treaty to share water with Canada is illegal under the 1895 Treaty.
- Margaret Bell: There is a misconception that our elders were taken advantage of because they were not intelligent. That is not the case, our people were extremely intelligent, but they did not understand the ways of the white man. This is our land. Why are more Blackfeet not at the table? Why weren't we invited? This is our land, this is our water. If the Canadian's want a share or the folks on the Hi-line, they need to talk to the Blackfeet. Thank you very much.
- Larry Reevis: Current agenda of water rights will lead to a reduced treaty right for the Blackfeet. We as a Tribe have to expand our water right to include the St. Mary water that is going to Canada. Right now current law limits us to a portion of the United States share. Any viable solution will have to expand the Tribes right to St. Mary water and explore water marketing as an option. Right to Canadian share will be about 400,000 acres. Thank you.
- Mr. Henry Butterfly: Looked on the Internet about the water that comes out of Sherburne. US Bureau of Reclamation took 175,000 more acre-ft than was released from Sherburne Dam. Blackfeet should to be compensated for water that leaves the reservation. Would like to ask the Bureau of Reclamation about the safety of Sherburne Dam.
- Mike Tatsey asked if someone from the Bureau of Reclamation could address Mr. Butterfly's concern on the safety of Sherburne Dam. However, Reclamation staff had already left the meeting. Pat Thomas commented that he would like Reclamation to comment on the safety of the entire system. It would be good for Reclamation to publish a write-up and maybe even put it in the papers so the public can understand.
- Mr. After Buffalo: Was introduced in the morning as a highly decorated war hero and that is why he feels he should be part of any (decisions) made. He feels that he has a big part (to play) as mineral right holder and those rights supercede any other land rights. Therefore he is a water rights holder. There are no easements on Blackfeet Indian

Reservation land such as BOR, railroad, telephone, highway or fiber optic easements. The Tribe should sell water to both Canada and the Milk River water users.

- Smokey Dan: Welcomed the working committee and thanked those that commented before him. The working committee needs to realize the importance of water on the Blackfeet Reservation. It's not viewed the same way in Havre or in California. Water is all the Blackfeet have left. The federal government took our lands so that other farms could become prosperous. All the Blackfeet people have left is their water. If the working committee keeps this in mind, they will begin to understand the importance of water to the Blackfeet people. The treaties of the Blackfeet prior to Montana becoming a state are paramount. The State of Montana, federal government and working committee has a responsibility to read the treaty that gave the Blackfeet the water as long as it flows across the Reservation. The power point showed 89 years of an irrigation system of which the Blackfeet tribe has never benefited from. There is not one outlet to a Tribal member. Why, because the US – signed a treaty with Alberta to maintain certain amounts of water so that Alberta and the communities up there have stable amounts of water. But all it did to the Blackfeet tribe was diminish our right to claim the water. In terms of what we are doing here today I commend you for your job and I commend Mike and the Council and all the people here. We have to look forward from here on out. We need to look at the water marketing that was mentioned earlier. We have 89 years if record showing water leaving the Reservation. The Tribe would not so radical as to shut the water off, but it is time to start talking about compensating the Blackfeet for it.
- Harold J. Horn: Enrolled member of Blackfeet Tribe. These water rights begin with us. For the Blackfeet people education is the key that can open any door. As first Americans we hold dual citizenship. We belong to the Blackfeet Nation and the United States of America as a whole. Both have sovereign immunity. So we enrolled Blackfeet can educate ourselves to that government-to-government process that affects both nations. It would behoove us, the Blackfeet people, to educate ourselves or our culture and nation will be a thing of the past. Water is the key to our future. Why did they wait so long to repair that siphon, bridge and canal? The Tribe has the power to address any issue on a government-to-government basis. Self-determination is a fact of law.
- Galen Laplant: Enrolled member of the Blackfeet Tribe. Questions the commission (Working Group?). Who made them a commission? Did the Blackfeet Council make them a commission? Are you voting on our jurisdiction or sovereignty? We have to watch for things like that. Sees one, two, maybe three Indians on the working committee. Wants to see more Blackfeet in the working committee. Project is on the Blackfeet Reservation. Tribe should have some say, not only first say, but last say. This is a big project, a \$127 million project. Someone said water is more valuable than gold. At \$865/ounce we can't even imagine the thousands coming through that pipe for the irrigation project. Tribe must receive some benefit.
- Mr. Hugh Monroe, Blackfeet Tribal Business Council: There are quite a few things that need to be resolved before we sit down at the table. Sherburne dam is moving and it will go if nobody does anything about it. Someone has to take responsibility for it. The BIA should watch out for its trust responsibility. This is our Reservation, what is left it. It used to go all the way to the Yellowstone. Have to remember we are real, we're here and we've been here many years. Before they built Sherburne Dam, the river use come right

through what is now a housing project. River has to go back to its old channel or else it will fill the lake with mud and sediment. This is good meeting and he is glad to see some many people attend, but there are many issues to work out. This project is a valuable thing and we're 70% to 80% unemployed on the Reservation. We've got to do something for the people. The Blackfeet need some real benefit from this project.

- Cheryl Bear Medicine: enrolled member of the Blackfeet Tribe. I hope that nobody thinks the Blackfeet are going to let anyone else plan their future. Blackfeet people are not appreciated for coming forward and voicing our concerns about our future. Our water is being diverted to Canada. I don't hear the Canadians coming in and asking how they can help us. Our reservation has water problems too. This isn't the end of it – my grandson will be standing up here talking about the same kind of things and the foundation that the Blackfeet people lay today are building blocks for our children. When we are dead and in our graves, there will be a whole new group of people here talking to our grandchildren and they are going to want the same thing. They will come after our water, after our land, after anything that is not theirs. I have not heard anyone say what they could do for the Blackfeet. That's our water. There are not too many people that should be making decisions for us, the President, the Tribal Council, the membership of the Tribe should be making them- we should be sitting down at all of these tables with a delegation of our own saying this is what we really want. We are well informed. This water is not a handout for us. I come from a long line of veterans who have laid their lives down for the freedoms we are enjoying today. Blackfeet are fighting for the U.S. in Iraq and that the Blackfeet are not asking for a handout.
- Ernie Olsen, Vice Chairman of the Fish & Wildlife Commission: We have been working on a recovery plan for bull trout for years. Everything that was talked about today is in that plan. The BOR, BIA, those entities are mainly responsible for rebuilding the canal and diversion dams that have kept the bull trout from multiplying and doing well. In everybody's rush to get water, they forgot to ask us if we had any plans. We have been working on these plans for years. We'd better slow down, take a look at it and discuss this. We have a fishing industry pulls in about \$300,000 per year. Revenue is just from permits. That is not counting outfitters and guides. We were never asked or brought into this discussion. Fisheries cover a lot of cultural and economic issues. We just need to slow down. You need to ask the Fish and Game Commission to be included.
- Al Reeves asked Lt Governor Bohlinger to show him the treaty the State of Montana had with the Blackfeet Nation. Lt. Governor responded that he was not personally familiar with that treaty. Mr. Reeves responded that in that case, the Lt Governor had no right to negotiate Blackfeet water. Blackfeet treaty is with the United States. Informed Lt. Governor that he needs to go back to Helena and sign a treaty with the Blackfeet.
- Dolores Plumage, Blaine County Commissioner and member of St. Mary Working Group responded to Mr. Reeves. There are a few Native Americans on the working group. This is a hard subject on both sides. And we are wading into it. In my office, I get questions from non-Indians all the time. The advice I give to everyone who talks to me is, everyone better do their own homework. The Blackfeet Tribal Council, their lawyers, everyone sitting here. Each person is responsible for educating themselves about their water rights and other issues. My heart is full that the Blackfeet Tribe has expressed itself so eloquently. I'm from the Flathead Reservation. When we have meetings over there, there

are 200-300 people sitting in the audience. I have heard my people say, as you have said, we will fight for our mountains, we will fight for our place – we are a minority on our Reservation. I also heard the irrigators come in and talk about their struggles. In the eastern side of the state, we are all in the same boat we are all tied together. This is not easy for anybody. I really hope, for the people here, that your meeting will happen. My heart goes out to Mike and the Tribal Council. Their jobs are not easy. But, they have a very vibrant and active group a people to work with. You have had a good turnout today. I am so glad that person after person came up and spoke with their hearts. They told us how they really felt. We need to hear that. I heard you today and I know that everyone else did regardless of how they responded. Perhaps we do need to slow down. I know that this working group is constantly refocusing and always trying to be conscious of each community, each group. The people of Ft. Belknap have just as much concern as you do. They are working on their compact. They are just as concerned about their rights. They are our neighbors. They are your neighbors. Thank you.

- Paul Azevedo, DNRC read a letter from a group of landowners who live north of the canal. They are concerned that rehabilitation of the canal will have a negative impact on their operations. They requested the Working Group to consider their concerns. Letter was signed by Ray and Kathryn Martin, Jon and Debbie Entz, Alvin and Ann Lunak, John Weathered, Doug and Cheryl Allen, and Francis Bird.

#### **Action Items:**

- DNRC will start planning trip to tour Alberta irrigation project.
- Larry Mire will start planning trip to D.C. for National Water Resources Association meeting.
- DNRC will set up another teleconference with Executive Committee.

#### **Location and Agenda Items for Next Meeting:**

- Gary Anderson moved to hold the next meeting in Chinook. Max Maddox seconded Gary's motion, which passed by consensus. Suggested agenda items.
  - Continue discussion on reforming as a legal entity,
  - Continue discussion on role of county commissioners,
  - Federal appropriations language,
  - Presentation on report from TD&H
  - Update on planning for trips to D.C. and Alberta.
- Gary Anderson asked for an update on the timeline he had requested. Paul responded that he has not had time to put it together. TD&H report provides an overall project timeline.
- Larry Mires suggested it would be appropriate to form a subcommittee to work on a strategic plan for the Working Group. There were not objections to Larry's idea.

#### **Closing Comments**

- Pat Thomas, Vice-chairman of Blackfeet Tribal Business Council: Mr. Thomas thanked Lt Governor Bohlinger and all the Working Group members for attending. He gave a special thanks to all the members of the public for attending. He acknowledged the special role of the Blackfeet people. This is their Reservation. They may not think the Tribal Council listens to them, but the Council does. There was a lot of water rights discussion at today's meeting. The meeting was not designed for that, but it gave the Working Group a chance to really

understand the feelings and frustrations of the Blackfeet people. Pat is hopeful and looks toward the future. The Tribe was left behind before, but the fact that they are at the table today shows they will not be left behind again.

- Lt Governor Bohlinger: Expressed his gratitude to everyone attending. Lt Governor Bohlinger appreciated the opportunity to hear from the community. Comments from the Blackfeet people are very important. He made notes of everyone's comments and he is listening. The Working Group is here to work with the Blackfeet Nation. He thanked Pat Thomas for his leadership and looks forward to working with him in the future.
- Mike Tatsey: Thanked everyone for attending. He will work with Tribal Council to set up a Blackfeet Working Group. He will be looking for people who want to take part in identifying the benefits the Tribe needs to receive from the project. They will try and get a meeting going in the next month.

**Meeting Adjourned @ 5:00 pm**

**January 25, 2005**

SMWG Meeting  
1/26/05, Browning  
Public Comment

**To Whom It May Concern:**

**This message is meant for "public comment" for the meeting held on behalf of the St. Mary Irrigation Project.**

**We have met with Paul Azevedo as a group with our concerns about the future restoration of the St. Mary Irrigation Project. We are concerned about the portion of the ditch in the Hudson Bay drainage which extends along the north side of the canal from the St. Mary Lake to the point of entrance into Canada.**

**The farmers, ranchers, and residents who own and lease land in this area want input into the planning and engineering of the restoration; The current seepage and drainage of the canal feeds a vast number of springs, creeks, lakes, and wetlands. The project area maps illustrate this fact. Additionally, three households have been built along a creek bed, which is, in part, fed by canal waters. Household and stock wells are dependent on this water supply as is the continued flow of the creek for a portion of the year.**

**The area consists of deeded, trust, BIA lease, and Blackfeet Tribal lands. The future of the ditch also affects enrolled Blackfeet tribal members. This Hudson Bay drainage flows into Canada and is within a recognized migratory fowl flyway.**

**Please consider our interest in this matter. We cannot supply a community with resources that would be taken from another community.**

**Ray and Kathryn Martin  
Jon and Debbie Entz  
Alvin and Ann Lunak  
John Weathered  
Doug and Cheryl Allen  
Francis Bird**